

Supervisor Romaine, Councilwomen Bonner and Cartright Announce Town Board Support of NYS Lawsuit to Stop Dredge Spoils Dump in LI Sound by EPA

posted on 8/29/2017 9:51:00 AM



Farmingville, NY – On August 28, Supervisor Ed Romaine, Councilwoman Jane Bonner and Councilwoman Valerie Cartright held a press conference to announce the Town is in full support of New York State's lawsuit against the United States Environmental Protection Agency (EPA) challenging and seeking to overturn EPA's designation of an open water site in the Eastern Long Island Sound for disposal of contaminated dredged materials. This approved dumping of dredge material would clearly adversely affect human health and the special marine environment, as well as present a significant risk of environmental harm. Also at the press conference in support of the Town's position were Assemblyman Steve Englebright, Defend H2O Founder and President Kevin McAllister, Setauket Harbor Task Force Trustee Michael Kaufman; Sierra Club Group Chair Jane Fasullo, Mount Sinai Yacht Club Commodore Dan Meehan; Coastal Steward Treasurer Mark Campo and Seatuck Environmental Association Water Quality Scientist Maureen Dunn.

Pictured left to right are Gary Pollakusky, representing Assemblyman Anthony Palumbo, Councilwoman Valerie Cartright, Councilwoman Jane Bonner, Supervisor Ed Romaine and Assemblyman Steve Englebright.

This EPA action is that agency's third designation of a permanent disposal site in the Long Island Sound, which appears to be unfairly chosen for inappropriate treatment. The dumping of this dredge material is clearly contrary to the need to reduce and eliminate dangerous contaminants in the Sound – a goal actually stated in the very same federal regulations issued by EPA. The improper federal action also actively interferes with existing commercial maritime navigation in these very waters, namely, interstate ferry transport between Eastern Long Island and New London Connecticut. The Town of Brookhaven is supportive of this significant and necessary action by New York State. We intend to follow the action closely and if the occasion arises, with the permission of the Federal Court, the Town intends to submit a legal brief in support of the State's action.

In November 2016, Supervisor Romaine and the Brookhaven Town Council sent a letter to New York Governor Andrew Cuomo urging him "to do all in your power, including litigation" to force the EPA to reverse their approval of the Long Island Sound Dredge Material Management Plan (DMMP). The controversial plan allows for nearly 53 million cubic yards of dredged spoils, originating from rivers and harbors along the Connecticut coastline, to be dumped in the open waters of the Long Island Sound over the next 30 years.

Supervisor Romaine said, "The EPA's decision to dump potentially contaminated dredge spoils in the Long Island Sound is a direct threat to the environment and our local maritime economy. I stand firm with the Governor to take whatever action is needed to stop this irresponsible plan before they ever get started. If it goes forward, the result would be disastrous."

Councilwoman Bonner said, "I am absolutely opposed to the EPA's plan to dump dredge spoils in the Long Island Sound and will do whatever is needed to stop it. We cannot put our sensitive waterways at risk especially when there are other options available."

Councilwoman Cartright said, "The Town of Brookhaven, our residents, visitors and others value the Long Island Sound as a critically important component of our infrastructure and local ecosystem. The value of the Sound is highlighted by its rich environmental resources, the natural marine life, the daily commercial and recreational uses and the academic study of Marine Sciences and other related disciplines within its waters. We are all acutely aware of the damage that would be caused by allowing additional disposal of dredge spoils into these waters which is why we stand with the State to oppose this site designation."

"The Town of Brookhaven, our residents, visitors and others value the Long Island Sound as a critically important component of our infrastructure and local ecosystem. The value of the Sound is highlighted by its rich environmental resources, the natural marine life, the daily commercial and recreational uses and the academic study of Marine Sciences and other related disciplines within its waters," stated Councilwoman Cartright. "We are all acutely aware of

the damage that would be caused by allowing additional disposal of dredge spoils into these waters which is why we stand with the State to oppose this site designation."

Assemblyman Steve Englebright said, "I am pleased to stand in support of the Town of Brookhaven's effort to protect the Long Island Sound. Continuing to dump dredge spoils into the Long Island Sound is an ecological, recreational, and economic misstep of epic proportions. The projected rise in sea level for the next several decades is dramatic and suggests that we will have a significant practical need for this sand and gravel to protect low-lying areas from flooding. Rather than creating a policy blunder that would threaten to compromise both the health of the Sound and the quality of life of our coastal communities we should identify a land-based alternative for storage and later appropriate reuse of this large amount of dredge spoil."

Michael Kaufman of the Setauket Harbor Task Force stated "As someone with 27 years of experience in dredging ship channels and spoil disposal, I know that dumping of spoil is not a clean process, has local and regional impacts, and is not as simple as the EPA wants us to believe. I recognize dredging of Connecticut harbors is necessary, but so is the continued protection of Long Island Sound, especially after the investments of the last decade plus to clean up the Sound. Why on earth is EPA returning to discredited 20th Century practices?"

Jane Fasullo, Sierra Club Long Island Group Chair said, "Years ago, it was recognized that dumping in the Sound should be stopped and it was limited to only a few locations. Now, when sea level rise and broad-reaching, long-lasting storms are becoming more common, it makes even more sense to use dredged materials to replenish uplands and beaches instead of being placed in the Sound where it covers and kills many benthic life forms."

Kevin McAllister, President of Defend H2O said, "As a federally designated Estuary of National Significance, Long Island Sound is in need greater protection. We're spending billions of dollars on water quality improvements and the open water dumping of contaminated silt flies in the face of these efforts. I'm pleased to see New York push back against political expediency and legally challenge this misguided decision."

Supervisor Romaine and the Town Board have consistently opposed the federal government's plan to dump dredge spoils into the Long Island Sound from federal dredging projects. The Board stated in their letter to the Governor that the decision to dispose of the spoils in the Long Island Sound was based on the economics of "practical alternatives." This resulted in the determination that dumping in nearby waters, instead of further out to sea, was the cheapest method of disposal without full consideration of the environment. As a result, the letter strongly stated that the plan is an "abject failure."

In January 2016, Supervisor Romaine and the Town Council sent a letter to New York State Secretary of State, Cesar A. Perales, in support of his position to require revisions to the U.S. Army Corps of Engineers' (USACE) DMMP. The letter contended that great strides have been made towards improving the water quality of the Long Island Sound and that this new plan could "undo" the progress that has been made. The Supervisor and Town Council wrote that they understand "the need for dredging to maintain the economic viability of waterways along the Connecticut coastline," but that the plan "falls far short" of meeting the goals established in 2005.

Supervisor Romaine and Councilwoman Jane Bonner were joined by Senator Ken LaValle, Assemblyman Steve Englebright and others at an August 2016 press conference to warn about the potentially contaminated spoils that could be a threat to the sensitive ecology of the Sound. At the time, the Supervisor addressed the US Army Corps of Engineers failure to notify government officials of a scheduled public hearing to review its DMMP and Draft Programmatic Environmental Impact Statement (PEIS) for the Long Island Sound. He criticized the federal agencies for releasing a long and detailed report to the public only seven days before the hearing, leaving little time for review.

In February of 2005 in a joint letter to the USACE, the Governors of New York and Connecticut requested the creation of the DMMP. The need for a DMMP was also identified by the US Environmental Protection Agency's (EPA) June 2005 Rule that designated two of the Sound's historic open-water placement sites for continued use, the Central Long Island Sound site and the Western Long Island Sound site. The EPA's rule required preparation of a DMMP to examine alternative placement practices, with the goal of reducing or eliminating open-water placement of dredged material in the waters of Long Island Sound wherever practicable.

The USACE is responsible for maintaining 52 Federal Navigation Projects (FNPs) in the Long Island Sound and

adjacent waters that include general navigation features requiring periodic maintenance dredging. These include 31 projects in Connecticut, 17 in New York and 4 in Rhode Island.

Division of Public Information * Office of the Supervisor

One Independence Hill • Farmingville • NY 11738 • Phone 631-451-6595